

REPORT

OF THE

3.

DEBATE

IN THE HOUSE OF COMMONS,

JUNE THE 16th, 1825.

ON

DR. LUSHINGTON'S MOTION

RESPECTING THE

DEPORTATION OF MESSRS. L. C. LECESNE

AND

J. ESCOFFERY,

TWO PERSONS OF COLOUR, FROM JAMAICA.

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L O N D O N :

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DEPORTATION OF MESSRS. LECESNE AND ESCOFFERY FROM JAMAICA.] The Speaker having called on Dr. Lushington to bring forward his motion relative to the Deportation of two persons of colour from Jamaica,

Mr. *Wilmot Horton* rose, and addressing the hon. and learned member across the table, inquired what were the precise nature and objects of the motion.

Dr. *Lushington* said, that his object was, to move for the appointment of a select committee to inquire into the grievance of which he complained; and he did not think that after the discussions already had upon it, his hon. friend could have been ignorant of the course which he meant to pursue. The hon. and learned member then proceeded with his motion. The papers for which he had moved, had, he said, been printed some ten days ago, and he felt justified in fixing the earliest open day after that, for the discussion of this question. It was of the first importance to our colonies in general, and to the island of Jamaica in particular, that the most scrutinizing and impartial investigation should take place in the case to which he was about to call the attention of the House—a case which exhibited one of the greatest outrages that could be committed on British subjects.

It was pretty generally known, that the population of Jamaica consisted of three hundred and forty thousand blacks, thirty-six thousand free men of colour, and twenty-five thousand whites. Now the House would be surprised to hear the nature and extent of the grievances and disabilities under which these thirty-six thousand free men of colour laboured. Previous to the year 1813, there existed a law to prevent any white man from leaving more than 2,000*l.* to a person of

colour, even though that person should be his own son. The free people of colour were not permitted to navigate their own vessels along the coasts of the island; and they were not admitted to give evidence in courts of justice, in cases where white persons were parties. In 1813, these particular restrictions, so repugnant to every principle of justice, were removed; but others still remain, and are in full operation at this very time, depriving the numerous and loyal free coloured population of Jamaica, of rights which ought to be equally enjoyed by every free man.

Amongst the most odious and oppressive of the disabilities under which this class of his majesty's subjects still labours, will be found, the disability to serve on juries, disqualification for office, deprivation of the elective franchise, and the deficiency law, which excludes them from any situation of profit or respectability on the estate of a white person. The free coloured inhabitant of Jamaica is compelled to pay his full share of all public burthens, but he is not allowed to participate in the benefits which others receive out of those revenues; nor does he derive the benefit he ought from the funds allotted to Education. There is another most odious and unjust distinction, under the act of 1799, entitled the Alien act. By this act, the alien of colour may be tried by the evidence of slaves: against a white alien such evidence is not received.

It is not in the nature of things that a large body, increasing in wealth and intelligence, should forever submit in silence to restrictions so unjust and degrading, founded upon no other principle, resting on no other basis, than the darkness of the colour with which the God of Nature has distinguished their skin. With patience the most exemplary, with loyalty never

impeached, they have long endured their grievances; but that sense of injustice, which is innate in the bosom of every human being; that feeling which stimulates all mankind to endeavour to remove evils and attain a happier state, induced them to make another effort to acquire, for themselves and their offspring, a larger share of the blessings of the English constitution, and to raise themselves and their class from the degradation into which the colonial system had sunk them. And, as their object was in itself just and laudable; so were the measures pursued for its attainment the most respectful to the colonial authorities, and the most free from blame.

In the beginning of the year 1823, some of the most influential amongst their class met, and determined to frame a Petition to be presented to the House of Assembly. The meetings necessarily held for this purpose were not concealed from the public authorities; nor were they so numerous as to give any just cause for alarm; nor was the conduct of those who met, reprehensible for expressing the sense they felt of their grievances in too forcible language. Greater moderation, in similar circumstances, was never displayed. A set of resolutions was agreed to, in which the free men of colour expressed their sense of the disabilities under which they laboured, and prayed the House of Assembly in Jamaica to relieve them from them.

Now, any man who reflected for a moment might see how necessary it was to justice, as well as to the safety of the colony, to conciliate so large a portion of its population, by giving to them their fair proportion of rights and privileges. This was a matter the more worthy of attention, when it was considered that the coloured population was increased, not only by natural causes amongst themselves, but also by the addition of the offspring between whites and blacks. They were allowed to serve in the militia: they were allowed to acquire the rank of serjeant: they were inured to the climate; and understood, to a considerable extent, the art of war. Therefore, he might justly say, that upon their loyalty and obedience depended the safety of the island of Jamaica; and if by any ill-treatment or unnecessary degradation they irritated that body, then would he pronounce that the safety of the island of Jamaica was in danger. But, up to the present hour,

not an imputation had been cast upon the men of colour in that island. No charge was made against them of having evinced the slightest appearance of insubordination, or the most distant wish to bring about rebellion. On the contrary, all writers on the state of the colony maintained, that their loyalty and attachment to government was unimpeached and unimpeachable. Mr. Bryan Edwards, who wrote a history of the West-Indies, and of that island in particular, most decidedly stated, that the men of colour had, upon all occasions, deserved well of the government. To their unshaken fidelity and active zeal when dangers were apprehended, there could be no stronger testimony than the report of the secret committee of the House of Assembly, on the 7th December 1824. That report concluded in the following expressive manner:—"The committee cannot draw their report to a conclusion without bestowing its meed of praise on the zeal and alacrity shown by the regulars in Hanover, and by the militia regiments throughout the disturbed districts, both by the whites and free people of colour; the conduct of the latter, evinced a warm interest in the welfare of the colony, and every way identifies them with those who are the most zealous promoters of its internal security."

The time, too, when this encomium upon the fidelity of the free coloured population was passed, is remarkable. The report was made at the end of 1824; it refers to the occurrences of that and the preceding year; and to occurrences which immediately succeeded to the rejection of the petition of the coloured class; for that petition was presented in the autumn of 1823, and the House of Assembly then refused to adopt any measure to effectuate the wishes of the petitioners. How clearly does this demonstrate, that the coloured class, though smarting under the rejection of their prayers, were still animated by their wonted alacrity in defence of the state. Indeed, every reflecting man must perceive, that upon this class depend mainly the safety and well-being of the island of Jamaica, and every succeeding year must increase their importance, and render it still more essential to do them that justice, which alone can render their fidelity immovable.

But, the Assembly of Jamaica seem wholly insensible to considerations to themselves of the last importance. They

persisted in turning a deaf ear to the petitioners; and the coloured population remain without redress. What a contrast do the colonies present to the Mother country! In England, thank God! no such odious distinctions have obtained. English justice would never endure them. Under English authority, a gentleman of colour has held a high civil office; and another has enjoyed military rank, and become connected, by marriage, with the family of a member of the other House. In Jamaica, even the humble attempt to obtain justice has entailed the consequences of crime.

Mr. Leceſne and Mr. Escoffery, the two individuals on whose behalf he now addressed the House, had signed the petition to the House of Assembly. On this and on no other account, the two unfortunate men, whose cause he advocated, were torn from their families, their fortunes, and their friends, and sent into banishment [hear, hear!]. Those two persons had resided, from their infancy, in the Island. This was a fact, stated in all the affidavits, and no one had presumed to deny it; and the question agitated was this—Whether, having enjoyed the privilege of free men for many years; having served as serjeants in the militia; having resided, one for twenty-eight years, and another for twenty-five years, in that Island, they should at once, and, as they conceived, without any assignable ground, be banished under the provisions of the Alien act? For himself he must say, without entering into the merits of that act, that even supposing these men to have been aliens, the present was a gross abuse of its powers. It might be right to invest the government of Jamaica with such a power, or it might not; but, it surely never was intended to extend its operation to persons who had resided on the Island from their infancy, and who could not of themselves tell whether they were or were not born in that country [hear, hear!].

This act was committed under the government of the duke of Manchester, then and still governor of that Island. Their secret accusers were Mr. Barnes, the mayor, and Mr. Hector Mitchell, one of the magistrates of Kingston, and both of them members of the House of Assembly. One of the charges preferred to government against the petitioners was, that they wished “to place themselves on a footing with the white population;” and

then the party accusing went on to say, that they were dangerous individuals, that they belonged to a society, pretending to be a benevolent society, the principles of which were obnoxious to government. Now, of these charges, there was no proof whatever, save with respect to the existence of a benevolent society, the receipts and expenditure of which he was in full possession of, and he was ready to lay them before the House. And, against whom, he asked, were these charges made? Why, against the very individuals of that class who had been described, by a committee of the House of Assembly, as persons warmly attached to the government, and possessed of the most loyal principles [hear, hear!]. Again, it was asserted, that the parties in question were in secret communication with St. Domingo for treasonable purposes, but no evidence whatever was given in support of such an assertion; and yet, upon such charges it was, that these unfortunate men were dragged from their homes and families, and condemned to banishment without even the form of trial.

He had already moved for all the papers upon this subject, and, were it only in justice to the duke of Manchester, they ought to be produced. If these papers were of a nature to bear the light, why refuse to produce them? If they could not bear the light, why act upon them in the first instance? The character of the duke of Manchester must stand or fall by these papers. And here, he would ask, who were the persons thus treated? The one was the possessor of ten slaves, a man who carried on a respectable and thriving wholesale business; the other was the owner of four slaves: both were married men and had families, and yet thus circumstanced, they were arrested without notice.—But, scarcely had a principal performer in this transaction, Mr. Barnes the mayor of Kingston, found what was likely to take place, than he began to feel alarmed at the consequences of his conduct, and he went so far as to say, that if harsh measures were taken openly against the parties they might resist, and, being married men, they would be joined by the great body of the people of colour.

But, notwithstanding this, steps were taken to arrest the accused, who were totally ignorant of what was passing. All was silent and secret, and no opportunity of defence had been allowed. The duke of Manchester having issued his

warrant, thought it his duty to take care that no delay should take place in its execution, and he gave a peremptory order that both Leecesne and Eseoerry should be sent out of the Island forthwith.—On the 7th of October, therefore, they were put under arrest, and the provost marshal directed that they should be conveyed on ship board, to be transported to St. Domingo. On the next day, they presented a petition to the duke of Manchester, enclosing what were termed their privilege papers. These privilege papers had been thus obtained :—They had gone before the Court in the year 1814 (nine years before this transaction), and as free people of colour, claimed, upon proving themselves British subjects, the benefit of that act which, in the preceding year, had removed some of the former restrictions to which free people of colour were liable.—Such was the ordinary course in cases of the kind, and the documents could not be granted if the Court were not unanimous. It happened that Mr. Barnes himself, one of the men who now represented them, to serve his purposes of oppression, as aliens, was one of the magistrates by whom his privilege papers were granted to Leecesne. What, on receiving these documents, did the duke of Manchester do? He referred the petition to Mr. Hector Mitchell, and to Mr. Barnes, the mayor—the very men who had previously accused, and even pronounced the condemnation of, the petitioners, in a letter to the secretary of the government.

What chance was there, therefore, of any thing like a full and fair investigation? His grace had directed Messrs. Mitchell and Barnes to confine their inquiries to the single fact, whether Leecesne and Eseoerry were or were not aliens; and if so, to report directly upon the subject.

He requested the attention of the House to the Report made upon this point. Messrs. Mitchell and Barnes reported, that they had made all due inquiry, and had satisfied themselves that Leecesne and Eseoerry were aliens, and not British subjects; and that all the affidavits adduced on their behalf were not worthy of credit, as not containing one word of truth, and being at variance with themselves. Let it be remembered, however, that these affidavits, thus denounced, were the very documents upon which the Court of King's-bench of the island afterwards proceeded, when it declared, that these par-

ties were entitled, as British subjects, to their discharge. The report of Messrs. Mitchell and Barnes, asserted, that the affidavits were contradictory to each other; but he (Dr. L.), after reading the whole of them, begged to deny that assertion most distinctly.

These gentlemen had laid great stress upon the circumstance, that Leecesne's father, in his will, dated the 1st of August 1816, had appointed him his sole executor, when, according to his own account, if true, he could only have been eighteen years of age; whereas they assumed, that he must have been twenty-one to entitle him to act as executor. This view of the subject, however, he (Dr. L.) contended, was perfectly erroneous, as there existed no law at that period to prevent persons under twenty-one years of age from being appointed, and from acting, as executor. And there was an obvious reason, independently of the confidence he reposed in his son, why it must have been considered by the father as highly expedient to name his son to that trust, in preference to any other individual; executors in Jamaica being entitled to six per cent upon the amount of property to which they administer. The truth was, that both these individuals had been influenced by the worst motives. He had ascertained this beyond contradiction, and that they had persecuted these unfortunate men from private pique, or from ancient enmity, and that in consequence, they had reported as to facts, which they must have known were false.

The House would probably ask, how it could happen, that two persons, one a magistrate of the island of Jamaica and a member of the Assembly, and the other mayor of Kingston and also member of the Assembly, could so grossly betray the trust confided to them, for purposes of a nature so degrading? As late as yesterday, he (Dr. L.) had searched and had found certain documents, which threw considerable light upon this disgusting part of the subject. There formerly existed a pecuniary dispute between Mr. Barnes and the father of Leecesne. The transaction related to an estate belonging to the father of Leecesne, in the sale of which Mr. Barnes had been a party. He had received on account of it, the sum of 11,000*l.*, for which he ought to have given credit to Leecesne; but he gave him credit, in fact, for only 4,500*l.*, and refused, on various pretences, to account for the re-

mainder. The matter was brought before the Court of Chancery of Jamaica. The Court decided in favour of Mr. Barnes; but an appeal being made to the privy council in England, the judgment of the inferior court was reversed, and Mr. Barnes was sentenced to pay the full amount claimed of him. Such was the origin of the animosity of Mr. Barnes, and such the real motive for the line of conduct he had pursued!

With respect to Mr. Mitchell, the motives of his animosity, though less apparent, were not less real and operative. His estimation in society had suffered exceedingly from a transaction which had occurred some time before, and which had led the Assembly, on the 4th of December 1821, to resolve, "that the evidence he had given on the petitions regarding the Custom-house fees, should be expunged, as libellous on the character of the House, and highly derogatory to its dignity." When, therefore, he was applied to, as member of the Assembly for Kingston, to present to that body the petition of the people of colour for a redress of the grievances under which they laboured, he appears to have thought it a fair occasion of regaining the credit and influence he had lost, by ministering to the prevailing prejudices against the people of colour; and they having reason to suspect that, with an outward shew of friendliness, he was really hostile to their cause, deemed it their duty to withdraw their petition from his hands, and to place it in the hands of Mr. Barrett, another member in whom they thought they could place a more implicit reliance. This was accordingly done; and it, of course, served exceedingly to aggravate the hostile feelings of Mr. Mitchell towards the persons composing the Committee of the people of colour. Among those, Lecesne and Escoffery presented themselves as the readiest victims of his resentment. Their parents were foreigners who had migrated to Jamaica from St. Domingo; and they themselves had been born soon after the arrival of their parents in the former island.—He assailed them, therefore, on the ground of their being aliens, adding, that they were persons of dangerous character. But for neither of those assertions did he, in the first instance, produce the shadow of proof. On the 30th of September 1823, he made the following statement to the local government;—"Two persons of the committee of the people of colour, seeking

to be put on a footing with the whites" (this was the real gravamen), "calling themselves Lecesne and Escoffery are natives of St. Mark's, and Port au Prince." Again, "Lecesne was several years old when he was brought to this country. This Lecesne is the most forward and officious person in all matters concerning the people of colour, and it would seem they have placed their confidence in him. Escoffery is the son of an Italian Jew, and was born at St. Mark's. The information derived from the French whites shews that these two persons keep up a correspondence with St. Domingo. On the former occasion of the free people seeking for an extension of privileges, it appears that Lecesne was the most forward and busy person."—He then accuses them of belonging to a lodge of Masons, though they deny the fact, and "under pretext of a society for charitable purposes, meeting as Masons to hatch all matters concerning their objects—in obtaining privileges, &c.—and in respect to foreign connexions."

New, on this vague, hearsay, unsupported statement, of Mr. Hector Mitchell, unaccompanied by a single tittle of evidence, and without the slightest inquiry to ascertain its truth, on the 3rd of October, the governor's secretary orders the mayor of Kingston to commit Lecesne and Escoffery to gaol, and orders the provost marshal to send them out of the island *immediately*, as "Aliens, and as persons of a dangerous description."—Is it possible to conceive any proceeding more monstrous than this? These men were accordingly apprehended and committed to gaol, and but for an accident which befel the ship of war that was to convey them from the island, they would have been deported, before any time was allowed them to vindicate their rights as British subjects. They were thus enabled to present petitions to the duke of Manchester, accompanied by proofs of their being British subjects. These petitions were referred, as had already been stated, by his grace, to the very two men who were their most inveterate enemies, and who were also, in fact, their accusers, Mr. Barnes and Mr. Hector Mitchell.

Apprehending nothing from these magistrates but partiality and injustice, Lecesne and Escoffery were induced to move the Supreme Court, for an *habeas corpus*. In the mean time, a memorial was addressed by thirty respectable mer-

chants and magistrates of Kingston, to the governor, in favour of the two prisoners, giving them a high character for integrity and general good conduct, as well as for loyalty. This memorial was signed, among others, by Mr. Hall, a magistrate of Kingston, and an assistant judge of the court, who had since arrived in this country, and had given him (Dr. Lushington) an opportunity of conversing with him on the subject of this transaction. Mr. Hall had personally confirmed the full contents of the memorial. He had gone further; for though it was of course painful to him to appear publicly in connection with this affair, considering that he is about to return to Jamaica, where so much hostility exists against the people of colour, yet, a sense of justice and duty, had induced him to run the hazard of yielding his testimony in their favour. The memorial was signed by five other magistrates, one of them Mr. Hyslop, a member of the House of Assembly, and it vouched for Lecesne and Escoffery, not only that they were British-born subjects, but that they were free from the slightest imputation of misconduct. It was a fact worthy of notice, that this memorial was signed, among others, by the very provost marshal to whom the warrant of the duke of Manchester for their deportation had been directed. This memorial, his grace stated, had been presented principally by creditors of the parties accused, who, of course, had a strong interest that they should not be sent out of the island. The fact was, however, in direct opposition to this assertion; for only five persons out of thirty who had signed it were creditors.

The memorial represented, that all that was dear to these individuals, as well as all that they possessed in the world, was in the island of Jamaica; and that their integrity had gained them considerable credit among the merchants and traders. Mr. Hall had informed him (Dr. Lushington), that he had given them credit, and that he would do so again, to any extent that could reasonably be required by persons in their station. No attention was paid by the duke of Manchester to this memorial, though so respectably signed. It produced no strict investigation, no careful inquiry; but it was treated as utterly unworthy of notice.

The case was at length brought before the Supreme Court, by the motion made for a writ of habeas corpus; and after due examination, Lecesne and Escoffery

were discharged. The affidavits on the part of Lecesne, were from eighteen persons, in order to show that he was a British subject by birth, and among them that of his mother, who certainly must have known where her son was produced, and of the nurse who attended her during her confinement; that of his God-father, his half-brother, and his schoolmaster, besides the production of the baptismal register. These testimonies the Court had considered sufficiently conclusive; but since that date, he (Dr. L.) had been put in possession of a document of much importance to prove that Lecesne was born in Jamaica, namely, the original bill of the accoucheur who delivered his mother. This individual was now dead; but the paper had been properly verified.—On behalf of Escoffery, ten affidavits were brought forward to the same tenor, while there appeared literally nothing against him. The affidavits which were produced on the other side, and which are now before the House, will be found to contain the most glaring contradictions, the most palpable fabrications, the grossest falsehoods.

But, the falsehood of these affidavits was not the only point to be considered, but how they came to be taken. They evidently originated in private animosity, or were obtained by undue influence and terror. Among them, perhaps the most remarkable, was that of Mr. James Stewart Innes, the inspector of aliens in Jamaica, who swore, that the individuals did not disclose that they were natural-born subjects of the king of Great Britain, until several days after their being confined in gaol. What was the indisputable fact? They were arrested and committed, on the 7th of October, and on the very next day, the 8th of October, they presented their petition, and made their claim to the duke of Manchester as British-born subjects. It was enough to make the blood boil to see persons in official situations, though of an inferior kind, thus lending themselves to such base purposes and committing the most deliberate, decided, and indisputable perjury.

Again, Mr. Hector Mitchell, in his affidavit, had confined himself, from beginning to end, to mere hearsay, so that it was not necessary to trouble the House regarding it, but it is singular that he should state, "that he has known about West-street, Lewis Celeste Lecesne, since the year 1804 to the best of his recollec-

tion and belief, by reason of having frequent occasion to go to the shop of Lewis Nicholas Lecesne, the reputed father of Lewis Celeste Lecesne." Now, the facts are, that Lecesne the elder, in 1804, lived in the country, and never came to live in West-street until the year 1812 or 1813; and until 1807 or 1808, Lecesne the son, was an inmate of Mr. James Goffe, with whom he was at school.

Another individual whose affidavit was procured against Lecesne by Mr. Innes, is a woman called Eleanor Hinds; who states, that she came to Jamaica "in the London ship Mary, captain Cheese" together with the mother of Lecesne, and that she then saw Lecesne on board the same ship, a child of about two years of age. However, on examining the records of the police office, which will be found in pages 14 and 15 of the papers, it appears, that Lecesne's mother arrived in Jamaica in the schooner Dauphin, captain Lajaille; and that, consequently, the statement of Hinds is altogether false.

A Frenchman, also, of the name of Villegraine, who gave his testimony against Lecesne and Escoffery, stands convicted of the grossest falsehood. He states that he knew Lecesne to be born at Port au Prince; though by a reference to the records before alluded to, it will be found, that he swore, on his arrival in Jamaica, that he had lived for the three years preceding his departure from St. Domingo, at Jeremie, a distance of near two hundred miles from Port au Prince. How is it possible he could have personally known the birth of Lecesne at the latter place? This man, Villegraine, is also accused, on the oath of two witnesses, of having taken pains to suborn evidence against Lecesne; and though he had the opportunity of repelling this charge on oath, he does not venture to do so.

Upon the whole case, and after due examination of the evidence, the judges of the court of King's-bench of Jamaica, consisting of Messrs. Scarlett, Mills, and West, had ordered the discharge of Lecesne and Escoffery, on the 25th of October 1823; at which time they offered bail to any amount, but the chief justice said that "as there was no charge against them, no bail could be required."

What, then, were the subsequent proceedings of the prosecutors of these individuals? Mr. Hector Mitchell moved the House of Assembly, that a secret committee should be appointed to inquire

into some conspiracy which he alleged to exist in the island. He was named the chairman: Mr. Barnes was another member, and the two advocates, who had acted for the Crown in the trial of Lecesne and Escoffery's case, were likewise chosen to sit upon it.

When this body proceeded to its labours, strange as it might seem, they neither examined the parties themselves, nor called a single witness on their behalf, nor even gave them the slightest intimation that they were implicated in the inquiry. To those who, in this country, were accustomed to the pure administration of justice, such proceedings, by which it seemed that even the forms of justice were neglected and contemned, were absolutely disgusting:—The Secret Committee made its report in the following form:—

"The Secret Committee, in submitting the preceding documents to his grace the governor, beg at the same time to express their unanimous opinion, that the evidence which has been adduced before it, has most distinctly established, that three persons by the name of Lecesne, Escoffery, and Valmore, are natives of St. Domingo; and that they are considered persons of most dangerous description to remain in this colony, from the very active and prominent part which they have severally taken in the communications which are proved to have existed between this Island and St. Domingo."

Now, let this report be compared with that which was made in the succeeding session by the same assembly, and in which the very highest commendation is pronounced on the loyalty and fidelity of the coloured class, without hinting at a single exception, and it will be seen that both statements cannot possibly be true. Indeed, the latter report on the character, conduct, and intentions of the people of colour, completely falsifies the former.—The hon. and learned member went on to state, that the council took the secret report into consideration on the 28th November: in consequence of which, a warrant was issued by the duke of Manchester, for instantly putting Lecesne and Escoffery on board ship, and conveying them to St. Domingo. This order was not merely executed, but executed with the utmost severity, and even cruelty. And here he begged leave to ask, on what principle of law or justice it was, after the judgment of the court of King's-bench—

after the discharge of the parties, claiming its protection as British subjects on that ground—the examination of a secret committee, and the consultation of councils and governors, was to overthrow a solemn decision of an established court of Judicature? He left it to the hon. gentleman opposite to make out a case, if he could, to justify such a course.

It was alleged as a palliation, that Lecesne and Escoffery being free persons of colour, could not be tried in Jamaica upon slave evidence; but there was no pretence for this excuse, supposing them to be aliens, since the law of the island was, that “an alien of colour being free, may be tried, condemned, and executed, upon slave evidence.”—There was, therefore, no pretence for deporting them, as they might, if any real charge had existed against them, and if they really were aliens, as was so confidently alleged, have been brought to justice upon the lowest species of testimony.

Looking through the whole of the documents, it was clear that there did not exist the slightest imputation against Escoffery; but against Lecesne some curious charges were brought forward. A man of the name of Jean Baptiste Corberand had given evidence, after Lecesne's deportation, that Lecesne had furnished arms to the insurgents of St. George's; but it was afterwards clearly proved, that the testimony of this man did not deserve the smallest credence. Here he could not avoid adverting, for a moment, to the trials which had taken place in Jamaica of slaves accused of insurrectionary conspiracies, and he believed that history did not furnish more flagrant instances of the violation of all the recognised principles of law and justice, than were furnished by those trials. In one case, the wife was the witness on whose testimony the husband was condemned to die; in another, a father was hanged on the vague statement of his son, a mere youth, whose testimony, even had it been true, would not have substantiated the very slightest charge of criminality against him in a British court of justice. It was quite appalling to contemplate the facility with which convictions were procured, and the rapidity with which the convicts were executed, scarcely three days elapsing between the accusation and the gallows. In some of those trials the slave Corberand, the sole witness who had charged Lecesne with supplying

arms, acted a conspicuous part, and many individuals were executed on his testimony, and that of another slave, Charles Mack, both of whom had been promised their freedom in return for their discoveries. No question, however, now existed, that their evidence had been a tissue of contradictions, and of the most barefaced perjuries. A conviction to this effect, it might be now shown, prevailed generally in Jamaica itself, and indeed, so clear was the guilt of these witnesses, that they had been committed to gaol, whence Corberand effected his escape, but was afterwards retaken, and recommitted; and in the secret report of the Assembly of December, 1824, they were both denounced as dangerous persons, and the duke of Manchester had been addressed to send them out of the colony. Yet this man's assertion was the only evidence against Lecesne, as far as related to the supply of arms.

As a confirmation that Lecesne and Escoffery were in connexion with St. Domingo, another witness, captain Maclean, swore that “he had heard,” that when sent there, they were received with the greatest kindness, and that money had been given them by the public authorities. The real fact, nevertheless, was, as appeared on unexceptionable testimony, that they were in a state of destitution on their landing in Jacmel, from whence they were directed to proceed to Port au Prince, to be examined before president Boyer, who dismissed them on the fortuitous production of a piece of a Jamaica newspaper, which one of them fortunately discovered in his trunk; and which contained the resolution of the secret committee, recommending their deportation. The president ordered this paper, in which Lecesne and Escoffery were accused of being his agents in Jamaica, to be translated and published with comments in the Haytian Gazette of January 1824, to warrant the public authorities in allowing Lecesne and Escoffery to remain. That they were in a state of the utmost poverty there, could not be doubted: they sold their watches and other trinkets; and such was their condition on their passage to England, that captain Chalmers, who brought them over, was obliged to give them some clothes. The assertions of captain Maclean are directly rebutted by the affidavit of this captain Chalmers, whose kindness and humanity to them, cannot be sufficiently acknowledged.

The late captain Dawkins who commanded the brig *Helicon*, which conveyed these men to St. Domingo, although in consequence of instructions received from the government, he had refused them the liberty of even sending a letter to their families, afterwards treated them with great kindness and humanity, and it was to his recommendation of them to Mr. Frith, a British merchant at Jacmel, that they were indebted for all the attention and hospitality shewn to them by that gentleman and other British merchants resident in Hayti, from whom, and in no degree from the Haytian government, they derived whatever pecuniary assistance they received.

But the animosity of Mr. Hector Mitchell did not end with the deportation of his victims. After they had been thus illegally torn from their families and their country, and forced into exile, he continued his unrelenting persecution of them. Their business, by which they had hitherto supported their families in comfort, was ruined; and, in this emergency, the wife of Lecesne was left to depend, as her only resource, on the weekly earnings of two slaves whom she hired out, as the means of providing the necessaries of life for herself and her children. Discovering this, what did Mr. Hector Mitchell do? He had one of them, named Pierre, arrested without the shadow of a charge against him, and confined in a cell. While there, Hector Mitchell caused him to be brought into his own presence, and used every possible method of inducement, by tempting promises and by threats, to prevail with him to furnish information which might tend to criminate his master, and to substantiate the story which it is believed that he himself had taught the negro Corberand to give as evidence against Lecesne. The offer of large pecuniary rewards and of freedom, and intimidation, were in their turn employed to induce him to yield to Hector Mitchell's wicked purposes; and as a punishment for steadily resisting all those efforts to convert him into an instrument of vengeance against his master, the poor slave was subjected to incarceration in a dungeon appropriated to condemned felons, in which he remained for seven months, till his health was ruined and his limbs were scarcely capable of supporting him. He was then discharged by proclamation, no charge whatever having ever been made

against him. Slaves in Jamaica may, by law, be imprisoned for six months without any charge being made against them. If, in that time, no charge should be made, they are then, at the first court which is held after the expiration of the six months, discharged by proclamation.

Mr. Mitchell having soon found, that he could make nothing of Pierre, had his brother and fellow slave, named Sanon, taken up, and the same methods of bribery, intimidation, and coercion, were resorted to in his case, and with similar success. Sanon was kept in confinement, though not so closely as his brother, for ten months. During the whole of this long imprisonment, Lecesne's wife and family were deprived of the means of subsistence they would have derived from the labour of Pierre and Sanon, and were in consequence reduced to the greatest indigence and distress. One of these individuals, Pierre, was now in this country. He (Dr. L.) had seen him; he had himself examined him: he was now ready to appear at the bar of that House, and he would venture to say, that no man could hear him, without being convinced of the veracity of his statements.

He would put it to the House, whether this was not, from the beginning to the end, a very serious business, in which every principle of justice and humanity had been grossly violated.

It also happened, that one of these men, Lecesne, had, some years before, taken a poor Irish sailor boy, whom he found in the streets suffering under a fever, into his house, where he was protected and cured. This boy, who was now grown up, had been anxious to accompany his benefactor in his exile, but was prevented from following him on board the vessel in which he was sent away from the Island. He had since, however, worked his passage to England in order to join him. He (Dr. L.) would not wish for a better witness than this youth; he was possessed of remarkable talents, and was ready to undergo any examination or cross-examination to which he might be subjected.

He was therefore prepared, not only by documentary but oral evidence, to prove the whole of his case. He had spared no trouble in arriving at the truth. He had carefully examined and re-examined every document. He had seen the individuals whose cause he advocated not less than

thirty times, and he declared, upon his honour, that he had not stated a single word to the House which he did not in his conscience believe to be true, and which he did not also believe he could establish in evidence to the satisfaction of the House.

It was with great pain he felt it his bounden duty to state, that the blame of this transaction must, in a very considerable degree, fall upon the duke of Manchester. He could not help here advertng to the first letter which the duke had sent to Lord Bathurst on this subject, and which entirely sinks the material circumstance, that these men whom he had deported as aliens, had been proved, in the Supreme Court of the Island, to have been British-born subjects. Why was this fact concealed? And why did the duke lend himself to the untrue assertion that the affidavits which stated them to be born in Jamaica were furnished by their creditors, when not one of those who made them was a creditor of either of those exiled persons.

The duke of Manchester, he feared, had not merely acted under the advice and by the inducement of others, but he had made himself a party in this case. He begged to call the attention of the House most particularly to the language of the noble duke in this memorable despatch, in which he declared, that he should not have felt it necessary to trouble the Colonial Secretary with any details on this subject, if he had not understood that an intention existed to make some representation to his lordship on the subject.—What! not think it necessary to give some explanation or justification of his conduct, when the prospects of these individuals had been ruined and blasted for ever, without having committed any offence which could be justly imputed to them! This was, indeed, most extraordinary.

But, besides this, the duke of Manchester had applied to Mr. Burge, the Attorney-general of Jamaica, who had framed for him a defence, founded upon documents which had nothing whatever to do with the merits of the case. The report of the Attorney-general of Jamaica was conceived in terms, and dealt in assertions, to which he (Dr. L.) could have hardly conceived it possible that any man of integrity or impartiality would have dared to resort, much less any lawyer of reputation.—The assertion, that there were insuper-

able difficulties in ascertaining the facts of this case, because one class of witnesses would not, and the slaves could not give evidence, was utterly false; for he had shewn clearly, that slave evidence might have been received against aliens of colour, had they really been so as was alleged. The assertion of Mr. Burge, that the individuals who made affidavits in favour of Lecesne and Escoffery before the Grand Court, "have since placed themselves beyond the reach of justice by withdrawing from the Island," has no foundation whatever in fact; every one of those persons, if still alive, being now in the Island of Jamaica.

In conclusion, he implored the serious attention of that House, to one of the most atrocious violations of justice, which had ever been brought under its consideration. Parliament could never be better employed, than in affording redress to petitioners, who, like those who now brought their wrongs before the House, were suffering from a gross abuse of power, and an utter disregard for all the principles of justice. Upon the part which the House took on this occasion, the attachment of the free coloured population of Jamaica to the constitution and government of this country, and the vital interests of Jamaica itself, might, in no slight degree, depend. The hon. and learned member concluded by moving,—

"That a Select Committee be appointed to examine into the Deportation of Lewis Lecesne and John Escoffery, from Jamaica; and to report their observations thereupon to the House."

Mr. Wilmot Horton said:—

Sir, although a great part of the observations of my hon. and learned friend who has just sat down, relate to judicial proceedings, which have taken place in the island of Jamaica, and refer to points of law which other persons would be infinitely more competent to discuss, yet, as the House cannot fail to expect some explanation from me upon the present occasion, and more especially with respect to the conduct of the duke of Manchester, upon which the hon. and learned gentleman has made severe reflections, I shall proceed to examine the course of arguments which he has employed.

But, in the first place, I must be permitted to express my astonishment, that my hon. and learned friend should have totally omitted all mention of the fact of

his having had a conversation with me upon this subject, in which conversation, he was told, in the most unequivocal manner, that the merits of this case did not rest on the papers which had been laid on the table of the House, but that there was other evidence on which the case mainly did rest, which the noble lord, at the head of the Colonial Department, could not, consistently with his official duties, with reference to the circumstances under which this evidence was transmitted to him, consent to lay upon the table of the House; and my hon. and learned friend will remember, that, so far from protesting against all investigation of the subject, a distinct intimation was conveyed to him, that there would be no objection in principle to the appointment of a Secret Committee, for the purpose of examining all the circumstances of this very complicated case, and of considering what course it might be most expedient to adopt. The House will therefore at once perceive that, not being relieved from the necessity of submitting an imperfect case on the defence side of this question, I am called, under circumstances of extreme disadvantage, to meet the hon. and learned gentleman, who has stated such an infinite variety of matter, with the utmost expressed confidence of his own accuracy, and in the contradiction of which, I am precluded from availing myself of that main part of the case, which, of necessity, has not yet been brought under the cognizance of the House.

The evidence in this case, as it appears in the papers published, is unquestionably of a contradictory nature and character: but this evidence does not extend to the merits of the case. I should have no hesitation in admitting, that if it be proved that the facts of the case have been in any degree intentionally falsified, with the view of establishing the alienage of the parties, or still more for the purpose of proving them, though innocent, guilty of a treasonable conspiracy, the most serious injustice has been done towards them; but, I can have no difficulty, even as at present circumstanced, in supplying the arguments that appear to me to be conclusive in defence of the conduct of the duke of Manchester. In officially directing the deportation of these parties under the Alien act, he was supported by the unanimous opinion of his council and of the Secret Committee of the House of Assembly. The hon. and learned gentleman

has attempted to impugn the character of individuals of that committee. He must be fully aware that it is necessary that such insinuations should be changed into proof, before the evidence of such a committee should be considered as of no authority. The Attorney-general of Jamaica, an individual respecting whom the hon. and learned gentleman has used very strong language, but whose character, I believe, stands as high as that of any man, strongly and urgently insisted on the necessity of the measure of removing these aliens from the country, founding his justification of that opinion upon the evidence presented before the Secret Committee, and of which evidence, as I have already explained, the House are in entire ignorance.

With respect to the alienage of the parties, it is true that they had sued out a writ of habeas corpus, and that, upon the affidavits presented on one side and on the other, they had been discharged under that writ: but still, notwithstanding the tendency of the evidence upon that occasion justified the decision in favour of their English birth, if it can be shown that that evidence was false, and if the fact be that they were aliens, no violation of law has taken place in directing their removal, notwithstanding the previous decision of a court of justice: for that court of justice could only decide on the evidence before them; and if it should ultimately be shewn, that additional evidence, of an unimpeachable nature, has been subsequently produced before the Secret Committee, substantiating their alienage, the Governor in council would not necessarily be bound by the opinion of the court of justice, founded on evidence less perfect and comprehensive. But, under any circumstances, the duke of Manchester was called upon to act upon such unanimous recommendation. He could derive from no source, any reason to influence him to a contrary course, and, though officially responsible for an act of executive authority, even if the proof of alienage were insufficient, he would be morally absolved from indiscretion in the decision which he had made.

The hon. and learned gentleman, in the beginning of his speech, spoke strongly with respect to the condition of the free coloured people of Jamaica. This is not the opportunity for discussing, in the abstract, the subject of the privileges withheld from that class;—but, although the

free coloured people of that island were under certain disqualifications, that circumstance did not absolve them from their allegiance to the government. The point upon which the case mainly rests is, whether a conspiracy against the government did actually exist, and whether the petitioners were parties to that conspiracy:—and upon that question the House are at present disqualified from forming any conclusive judgment, from the necessity of withholding the evidence (to which I have already alluded) which was produced before the Secret Committee; and upon which evidence the unanimous recommendation of the Secret Committee is mainly to be justified;—and therefore, whatever contradictions may or may not exist in the evidence which has been laid upon the table, it is necessary that the House should suspend its opinion, and hold its judgment in abeyance upon the whole case, until that whole case may come before them.

It is a matter of too great notoriety to admit of denial, that at the period preceding the removal of these aliens, a great degree of alarm prevailed in Jamaica, and the strong language used by the free people of colour in the island was calculated to justify the apprehensions that were entertained. The principal Committee of the free people of colour addressed a letter on the 14th of July 1823, signed by Mr. Simpson their chairman, and Mr. Scholar their secretary, to Mr. Wilson, in London; and in that letter they say, with reference to the operation of the law of Jamaica, "Our long endurance of such grievous oppression, while evincing our unwillingness to adopt coercive measures, proves also our loyalty and devotion to the British crown and government; for, what else could induce submission to a system so tyrannical as that we labour under, and which, possessing as we do, a great physical superiority, we might, by one energetic effort, overthrow and destroy?" The House must not estimate the effect of intimidation, which such language is calculated to produce, by any analogies that our own country can furnish. The agitation in the mind of the negro population throughout the West Indies is also a fact too notorious to admit of contradiction; and the existence of a conspiracy at a time when such language was employed, could not be a matter of surprise to any person who knows the nature of the elements of society in that country, and the

danger to which their physical inferiority must necessarily reduce the white population, if treason and rebellion be not checked in the moment of their earliest development.

The duke of Manchester, therefore, felt himself under the influence of an overpowering public necessity, to direct the measure of the removal of these aliens, whose presence in the opinion of the Attorney-general, of the Council, of the Secret Committee, of the Assembly of the island, and of a great majority of the resident planters, was dangerous to the safety and well-being of the community; and who is there, who in fairness would withhold their support of the duke of Manchester upon this occasion, when they consider the responsibility which he would have incurred if, in opposition to this unanimity of feeling and impression upon the subject, he had refused to accept their suggestion, and if the breaking out of a treasonable conspiracy had been the consequence of such refusal?

There are many parts of the case brought forward by my hon. and learned friend, to which I am unwilling to advert, that I may not be involved in any premature argument upon the merits of the case, as they affect the decision and recommendation of the Secret Committee. I contend, that, upon that part of the case, the House are at present incompetent to form a correct judgment, and on that ground, I justify my omission in not replying to the general accusations of my hon. and learned friend. But, there are one or two points on which I cannot refrain from observation. The hon. and learned gentleman speaks of the unshaken consistency which appears in all the memorials that have been presented by these petitioners; yet it will be observed that in their first petition to the House of Commons they denied ever having had any intercourse or connexion with Hayti, or any other country except Great Britain. Now they admit the fact of correspondence, but attempt to justify that correspondence, which, in the first instance, they had solemnly denied, and which is in direct violation of the existing laws of Jamaica, by pleading, as an excuse, that it was of a commercial nature, and by stating, that others, from whom more attention to the laws of the country might have been expected, had been employed in the same illicit trade.

The hon. and learned gentleman has in-

culpated, in the most grave and serious manner, the character of an individual, Mr. Hector Mitchell, who unquestionably took a prominent part in these transactions, which he was called upon in his public duty to take. Of that gentleman I have no personal knowledge, but all that I have heard of him is in favour of his character and of his honour, and would not permit me to suppose that the hon. and learned gentleman can be justified in his accusations against him. If Mr. Hector Mitchell were really guilty of the atrocities laid to his charge, by the hon. and learned gentleman, God forbid that I should say one word in his justification, but, to believe he was so guilty, would be to believe that all the persons whose duty it was to watch over the administration of justice in Jamaica, had neglected their duty in a most extraordinary and culpable manner. It is on these grounds that I think I have a right to call upon the House to suspend their judgment with respect to the conduct and character of this gentleman, until he himself has been furnished with the opportunity of defence.

The hon. and learned gentleman laid great stress upon the petitioners having obtained their "Privilege Papers," as a fact which shewed that their birth in the island of Jamaica could never have been a matter of doubt. I have the authority of the Attorney-general of Jamaica, in disproof of this inference, who distinctly states, that privilege papers are granted without difficulty to parties, without any necessity of proof as to their having been born in the island, and who cites the acknowledged practice of the corporation of the city of Kingston, and their authority for the explanation in confirmation of this statement. It would appear, that after the passing of the Privilege act, from the general desire to render its operation as extensive as possible, the corporation have been in the habit of granting certificates without any inquiry into the places of birth of the persons applying for them, and very frequently to persons who were known to be aliens.

Under these circumstances, Sir, I cannot consent to concur in any censure, direct or implied, upon the conduct of the duke of Manchester, which upon grounds so limited as those which are now before the House, it may be attempted to pass upon him. If the proposition of a Secret Committee which was made to the hon. and learned gentleman had been acceded to,

there would have been no necessity for that suspension of judgment, for which, under existing circumstances, I think I have a right to call on the part of this House. I shall therefore not think it necessary to detain them any longer, and leave it to the House, without hesitation, to decide, whether the statement of the hon. and learned member has established any thing like criminality against the duke of Manchester and the government of Jamaica.

Mr. Scarlett said, that he should be very unwilling to support the motion, if he conceived that it implied any blame on the duke of Manchester; but this was not either the intended object or the necessary result of his hon. and learned friend's proposal. It appeared probable to him, however, that the duke of Manchester had been misled in this transaction, either by an incorrect statement of facts, or by the persons whose duty it was to advise him; and he understood the arguments of his hon. and learned friend to apply rather to those individuals than to the duke personally, who could not be supposed to be actuated by any thing but a desire to do justice in the administration of the trust reposed in him.

The honourable under Secretary for the colonies had alluded to certain documents not before the House; from which he alleged, it would appear, that the transportation of the individuals in question was fully justified by evidence and information obtained subsequently to their being discharged by the Supreme Court, but that it was not expedient at present to submit these documents to the House. This was certainly a sufficient ground for suspending any final judgment upon the conduct of any of the parties to the transaction; but not, in his opinion, a sufficient ground to resist further inquiry. He was bound for the present to suppose, upon the statement of the hon. gentleman, that the documents in his possession, upon the face of them, warranted that statement. But, he could not help observing, that there were some circumstances in the papers and the evidence now produced to the House, which tended to throw a strong suspicion on the source from which his Grace had derived the additional testimony contained in the documents which were for the present withheld.

He had done, upon the present occasion, what he very seldom did with regard to

the voluminous papers upon the table of that House—he had read attentively the affidavits on both sides, exhibited in the Supreme Court, upon the discussion of the habeas corpus. He had been induced the more particularly to do so, because a near relation of his own—to whose learning, capacity, and integrity, he was glad of this opportunity of bearing testimony—was the presiding judge in that court. He would undertake, by a very few observations upon these affidavits, to satisfy the House, that the Court could not have done otherwise than discharge the prisoners; and would, at the same time, point out the circumstances in the evidence which had left a strong impression on his mind against the integrity of the parties who had originally caused the petitioners to be imprisoned, and from whom, probably, the subsequent information in the unproduced documents had been derived. Previous to the application for the habeas corpus, it appeared, by the papers on the table, that some proceeding had taken place, probably for the information of the governor, upon the question of Lecesne's place of birth. In these proceedings, the strongest evidence against him was contained in an affidavit of his half-sister, Lucille Lecesne, who swore that he was born at Port-au-Prince. This affidavit was made the ninth day of October, 1823. Now, the rule to shew cause why a habeas corpus should not issue, was granted on the 17th of the same month. In support of which were produced, amongst others, the affidavits of four persons, Harvey, Charlotte Lecesne, Rose Mandrew, and Wilson; sworn the eleventh of October, for the purpose of proving that Lucille Lecesne the half-sister, both before and after she had made her affidavit of the 9th, had stated her perfect knowledge that her brother was born in Kingston, that she had on the seventh declared her intention to make an affidavit to that effect on his behalf, but that on the ninth and tenth, she had refused; alleging, that she had been prevailed on by three white persons to swear against him, and particularly by the persuasions of a Mr. Villegraine; who told her, that if her brother was shipped off, as he would be in consequence of her affidavit, she would become intitled to one half of her father's property; and threatened, besides, if she did not make this affidavit, that she should herself be imprisoned and put into irons. Now, although the Court

had, in the first instance, granted only a rule to shew cause, and thereby given a full opportunity, both to this woman and to Mr. Villegraine, to contradict these four affidavits, yet no affidavit was produced by either of them to deny or explain the very serious matters alleged against them. And this was the more remarkable, because it appeared that Villegraine was a white man, that he had made an affidavit against Lecesne, swearing very concisely that he was born at Port-au-Prince, but without any circumstances, and leaving it doubtful whether he swore to his own knowledge or by information. The House must see, that these grave imputations upon the principal witnesses on one side of the question, remaining unrefuted after a full opportunity for refutation from the 17th to the 25th day of October, when the habeas corpus was finally granted, could not fail to have a decisive influence upon the judgment of the Court, even if the remaining part of the evidence had been more doubtful than it appeared to be. There were, undoubtedly, contradictions; but the preponderance, independently of the circumstances he had mentioned, was greatly in favour of the petitioners' claim to be native subjects.

The observations of the Attorney-general of the island on this subject were somewhat singular; for he expressed his astonishment that the Court had, in their decision, not paid more attention to the affidavits of persons of the character of Mr. Mitchell, a magistrate, and of Mr. Innes, a police officer; as if it were the practice or the duty of judges to be influenced by their notions of the character of witnesses who made affidavits, instead of the facts which those affidavits contained. While this imputation against Mr. Villegraine, of having suborned a witness to commit perjury against the petitioners, remained, the hon. and learned gentleman said, he must suspect whatever came from the same source. Whatever objection there might exist to the production of the subsequent evidence as to the conspiracy, there could be no mischief whatever in publishing that—if there was any—which related to the birth of the petitioners. If that evidence was not submitted to the House, then he would say, that Lecesne and Escoffery were the most oppressed of men. They had been not only forced to quit their occupations, and to abandon the means of their subsistence, but transported from the country in which

they claimed the right of nativity, after the unimpeached and unimpeachable judgment of a Court of competent jurisdiction in their favour. They had no other tribunal left to which they could appeal but the House of Commons; and he thought that House would not do its duty—would not act in its usual character of defender of the oppressed—if they did not call for the production of the evidence.

But, he begged to be distinctly understood, that he did not call for the evidence, or vote for inquiry, with any object to criminate the duke of Manchester. He had, on the contrary, a decided objection to making the functions of that House subservient to the production of evidence, to be afterwards used by private parties in a court of justice. And he was willing and desirous, that the condition on which the petitioners should be allowed to seek for such redress as might result from an of their by that House, should be, a pledge inquiry forbearance to make use of any of the evidence that might be laid before the House, in support of any actions they might be advised to bring, or had already brought, against his Grace. But, when he considered the very peculiar state of society in the colonies, he thought it was impossible for the House to pay too much attention to appeals of a description like the present. The population, of which the petitioners formed a part, was of great importance to the West Indies. It was, he believed, rapidly increasing both in numbers and intelligence; and, in his opinion, was likely to form a very important security against the most dreadful of all revolutions that could affect the colonies. At the same time, it was not to be supposed that the white population could speedily be brought to view the importance of the people of mixed colour in that light. The prejudices which had, for so many generations, led them to consider the blacks as an inferior race, naturally extended to all who had a mixture of African blood in their veins.

He was far from meaning this as a reproach to the whites. He considered it as a feeling necessarily resulting from the state of society in which they found themselves, and to be treated, not with reproach or contumely, but with the greatest caution and delicacy. Whilst that feeling existed, there was a natural jealousy of any approach of the people of colour to an equality of rights with them. He had reason to believe, that the footing

on which the people of colour in Jamaica were now placed, had been obtained for them by great prudence and judgment in the conciliation of that feeling, and that many of the white inhabitants still retain a great portion of the doubt and hesitation with which they had assented to the privileges of the people of colour. If the least cause of alarm occurred—if the slightest suspicion were awakened—of any thing like revolt or disaffection amongst the slaves—it was too easy, in the fear of so overwhelming a calamity, to confound the means of defence with the causes of danger, and to view the most innocent actions of a distrusted party as indications of conspiracy and guilt. He thought it possible, and he meant to say no more, that the petitioners might have been the victims of this apprehension, and that the ruin of the individuals upon pretexts too slight to bear examination, was the result of a prejudice against the class to which they belonged. If this were so, in his judgment, it became the more incumbent on that House to show to the free people of colour that they were not driven to seek redress for their wrongs by force, but might expect it from the wisdom and justice of the House, if denied to them by the fears or the prejudices of the whites. He therefore trusted, that, for the safety of the colony, for the honour of the House of Commons, and in justice to these two unfortunate men, the motion of his hon. and learned friend would be unanimously agreed to.

Mr. Secretary Canning said, that, under all the circumstances, however he might have been disposed to prefer the course suggested by his hon. friend, the under secretary for the colonies, he should not now oppose the appointment of a select committee. The short question upon the present charge, as it applied to the conduct of the duke of Manchester, was, whether the duke had or had not treated British subjects as aliens only could lawfully be treated: that was a simple question, and one easily capable of proof, but one which certainly was neither proved nor disproved by the evidence already before the House. In one admission, however, all parties must agree; namely, that when the duke of Manchester came forward, offering to waive the privilege which his absence gave him, and submit to clear his conduct by a trial at law, he did entitle himself, so long as the question was pending, to the suspension of every thing

like severe or unkind judgment against him. It was a strong presumption, not only that his grace had conducted himself with propriety, but that it was his own conscientious belief that his conduct would bear investigation. Had he made this proposal at the commencement of the business, it would have entitled him to this favourable construction; but much more was he entitled to it, when he made this proposal, after knowing the impression which had been made, the exaggerations which had gone abroad, respecting the case of these individuals in this country, and after he had reviewed, in consequence, all his own proceedings, and had closely examined the conduct of every officer concerned in the transaction. The hon. and learned member for Peterborough had observed, that if the duke of Manchester had done wrong, he had probably been misled. In this opinion he entirely concurred; but it was yet to be shown, that the duke, in what he had done, had exceeded his authority: and that he himself entertained no apprehension as to the result of his conduct, was at least to be presumed from the readiness with which he courted inquiry into it. The main feature in the case then came to be considered—namely, what there had been in the conduct of other persons apart from that of the duke of Manchester, which afforded ground for complaint; and, upon that point he was free to say, that government had at least so far thought there was ground for investigation, that the commissioners in the West Indies had received instructions (and in about a month hence they would be in Jamaica) to examine into all the circumstances, and transmit home a report generally upon the transaction. Under these circumstances, he was certainly not disposed to maintain the proposition that no further inquiry was called for. He admitted that it was, and that it ought to be had; but, both the offer made by the duke of Manchester and the course of justice required that they should be separated, and not involved one with the other. The inquiry into the other parts of the case could not co-exist with the inquiry into the conduct of the duke of Manchester. He was prepared to admit the necessity of inquiry; but it was morally impossible, at that late period of the session, that it could then be gone into and brought to a determination. When he considered the distance of the place, and the voluminous

mass of evidence collected in the progress of the inquiry, he thought that the hon. and learned gentleman must himself admit, that to go into an inquiry at that period could not lead to any beneficial result. He would recommend that advantage should be taken of the interval between the close of the present session and the beginning of the next, to obtain the report of the commissioners, and to procure further evidence. He should have no sort of objection to enter into the inquiry early next session, and to allow that inquiry to be as ample and complete as the hon. and learned gentleman could wish. Enough had already transpired to excite a public feeling against the duke of Manchester; and he thought it was not fair to aggravate this prejudice by entering into an inquiry which could not be brought to a satisfactory conclusion. On the one hand, the government had more evidence to procure; and on the other, the hon. and learned gentleman, who had already obtained so much evidence, and who shewed no want of a zealous disposition to obtain evidence, would have an opportunity of making his case more complete, so that both sides would come to the discussion at the beginning of the next session better prepared fully to elucidate the matter.

Mr. Brougham rose, to request his hon. and learned friend to accede to the proposition of the right hon. Secretary opposite, which he thought, the state of the session considered, was the best calculated to obtain the ends of substantial justice. As the evidence stood, the transaction was a most iniquitous one. These three points would have to be made out: first, that there had been proof that the complainants were aliens; secondly, that there had been the sedition imputed; and thirdly, that there had been ground for sending them away without being heard in their defence. Now, as the case stood, it was nonsense to talk of conflicting evidence; the proof of the birth was as clear as could be desired. What might arise out of the papers further to be produced, he could not judge; but the matter stood as he described it at present. With reference to the postponement of the committee, he would further observe, that it was only just to take the case of the individuals into the consideration of the House. They were highly respectable men; they had been ruined by their banishment; and had hitherto been supported by the contribu-

tions of some benevolent individuals ; but certainly, as this delay was to take place, some means of existence ought to be afforded them by parliament.

Mr. *Sykes* deprecated the idea of adjourning the inquiry for another year ; but if such were the wish of the House, he would not be positive in opposing it. This, however, he would say, that it was the duty of the House to provide for the maintenance of the complainants during that time, as they were totally without funds, and supported by the charity of friends.

Mr. *Grossett* said, he took a different view of the case from the gentlemen opposite. He thought these persons might be guilty, and he denied that they were entitled to be provided for.

Mr. *W. Smith* hoped the House would support these injured individuals, without any reference to the view just thrown out by the hon. member.

Mr. *Brougham* reminded the hon. member, that all his statements were derived from private letters, and that all the evi-

dence which had been brought before the House by his hon. and learned friend had been taken on oath.

Sir *C. Forbes* thought this a case of greater oppression than any he had ever heard of in the East Indies.

Dr. *Lushington* then replied, and animadverted with great warmth on a pamphlet, published by an hon. member (Mr. *Grossett*), stigmatizing the character of the unfortunate petitioners in the most unwarrantable manner. He had read that pamphlet with the utmost disgust, and with contempt the most unmitigated. He would accede to the proposal of the right hon. Secretary for postponement, but he called upon the House, in the mean time, to consider the destitute condition of the parties ; and he relied upon the right hon. Secretary, for the institution of a full, entire, and free inquiry, in the next session, and to facilitate his exertions to obtain justice for the parties concerned.

The motion was then, with the leave of the House, withdrawn.

THE END.